

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the San Luis Obispo County
Public Works Department for an order
authorizing construction of an at-grade
pedestrian crossing in San Miguel, California
crossing Union Pacific Railroad in the vicinity of
16th Street, County of San Luis Obispo.

Application 04-07-001
(Filed July 1, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING SCHEDULING
FURTHER PROGRESS REPORT ON SEPTEMBER 13, 2005**

An informal telephone conference was conducted on June 16, 2005, in this matter. Participants included representatives of the San Luis Obispo County Public Works Department (the County), Union Pacific Railroad Company (Union Pacific) and the Commission's Rail Safety and Carriers Division (Staff).

The County seeks authorization to install an at-grade pedestrian crossing of tracks of Union Pacific in the vicinity of 16th Street in San Miguel. The County states that the unguarded tracks are being crossed daily by 80 to 100 children and their parents to reach the Lillian Larsen Elementary School, and that the number will grow because of new housing development in the area. Union Pacific protests the application, arguing that two other nearby crossings already exist and that, in any event, a grade-separated crossing over or under the tracks would be safer for pedestrians. Staff has urged the County to avoid a piecemeal approach to rail crossings and to consider a more comprehensive plan for this rapidly growing community.

The parties conducted an on-site review and negotiation in May 2005, and the County, at the urging of Union Pacific and Staff, has agreed to conduct an engineering evaluation of a grade-separated crossing and adequate fencing to discourage pedestrians from crossing the tracks. All parties agreed that, following the engineering evaluation, a further meeting is necessary and could lead to a negotiated resolution of this application.

This ruling orders a third informal telephone conference among the parties to be conducted at 1:30 p.m., Tuesday, September 13, 2005. Unless the parties are able to report substantial progress in settling their differences in this matter, I will at that time schedule dates for an evidentiary hearing in San Miguel so that the application and a complete evidentiary record can then be presented to the Commission for decision.

IT IS RULED that an informal telephone conference will be conducted at 1:30 p.m., Tuesday, September 13, 2005, to discuss the status of this application and, if necessary, to set dates for hearing. The San Luis Obispo County Public Works Department will arrange the conference call and will provide written notice of the call to the undersigned Administrative Law Judge, the Union Pacific Railroad Company and the Commission's Rail Safety and Carriers Division.

Dated June 20, 2005, at San Francisco, California.

/s/ GLEN WALKER

Glen Walker
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Scheduling Further Progress Report on September 13, 2005 on all parties of record in this proceeding or their attorneys of record.

Dated June 20, 2005, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.